



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 132-00

11 April 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 7 March 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1160
PERS-815
7 Mar 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORD

Via: PERS-00ZCB

Subj: BCNR PETITION ICO [REDACTED]
220-84-9202

Ref: (a) SNM'S DD Form 149 dtd 8 Dec 99
(b) OPNAVINST 1160.6A

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval to petitioner's request.

- Petitioner enlisted after 10 months and 5 days of discharge from active Navy service on 28 Apr 99 for the PRISE III program. This program requires a probationary 2 year enlistment for the sole purpose of rate conversion to the CTT rate with an automatic advancement to paygrade E5 and an immediate obliterate by way of reenlistment or an additional 24 month extension at the completion date of "A" school training.

- Petitioner reenlisted on 1 Oct 1999 for 6 years and received a zone "A" SRB entitlement for the CTT rate and automatic advancement to paygrade E5. However, petitioner's SRB entitlement was based on paygrade E4 vice E5. Per reference (b), service member's SRB is based on the monthly basic pay on the date of discharge.

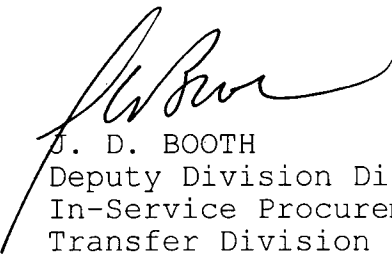
- Petitioner requests to change the reenlistment date of 1 Oct 1999 to reflect 4 Oct 1999 and receive the zone "A" SRB entitlement based on the E5 paygrade vice E4.

- Petitioner's PRISE III program contract specifically, states that petitioner will be advanced effective the date of reenlistment which he must obliterate at the completion of "A" school training. Therefore, petitioner was not miscounseled concerning advancement and obliterate prior to his reenlistment of 1 Oct 1999.

2. In view of the above, recommend petitioner's record remain unchanged.

Subj: BCNR PETITION ICO [REDACTED]

3. This is an advisory memorandum to reference (a) for the use by the Board for correction of Naval Records (BCNR) only. Enclosure (1) is returned.


J. D. BOOTH
Deputy Division Director
In-Service Procurement &
Transfer Division